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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,888	10/17/2003	Daniel Keith Amonett	KPF / 30CD1	9793
26875	7590	12/29/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP			TAMAI, KARL I	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			2834	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,888

Applicant(s)

AMONETT ET AL.

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The amended title "Timer Motor Having a Split Geartrain Extending Through the Stator Plate" has been entered into the file wrapper. The requirement of a new title has been withdrawn.

Inventorship

2. The applicant is required to file a petition to correct inventorship under 37 CFR 1.48 in order to remove Robert G. Sokalski as a named inventor. When a continuation or divisional application is filed with fewer number of inventors than set forth in the oath, the Applicant must file a statement requesting the deletion of the inventors which are not part of the current application (201.06(c)V.INVENTORSHIP). The Applicant did not file such a statement therefore the inventors which should be named in this application are those set forth in the oath filed on 10/17/2003. Since the Application was filed without the statement, the applicant must petition to correct the inventorship under 37 CFR 1.48.. If the Applicant does not file the petition with the response to this Office Action, the examiner will have the Mr. Sokalski reinstated as an inventor as set forth in the Oath. A statement on the transmittal sheet filed with the divisional application is NOT a statement requesting removal of the inventor.

Claim Rejections - 35 USC § 102

3. The rejection of Claims 1, 2, 9, and 10 under 35 U.S.C. 102(b) over Muller et al. (Muller)(US 4426158) is withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158), in further view of Schwartz (US 5210722). Muller teaches a timing motor and gear train having a stator plate 2 with upper and lower sides and a rotor 35, and having gear trains above and below the stator plate 2

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with the shaft 44 engaging the gear 46 through the stator plate. The rotor mounted in an orifice which has a circumference and is bounded by a plurality magnetic poles. Muller teaches bus bars 308-314 connected to a resonator/timer. Muller teaches every aspect of the invention except a single (one and only one) connection of a gear and/or gearshaft through the stator plate. Schwartz teaches a single connect through the stator plate of geartrains above and below the stator plate to allow for space consolidation of the geartrains and allowing more space for a battery. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller with only one connection through the stator plate to provide efficient use of space around the motor and for a battery as taught by Schwartz and because rearranging parts in an invention is within the ordinary skill in the art (see *In re Japikse*, 86 USPQ 70).

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158) and Schwartz (US 5210722), in further view of Horbach (US 3215964). Muller and Schwartz teach every aspect of the invention except a coil wound on a rectangular bobbin with square wire terminals. Horbach teaches a bobbin with square terminals for the magnetic wire on the bobbin to provide inexpensive and fast assembly of the electric coil with other components. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller and Swartz with the square wire terminals of Horbach to provide inexpensive and fast assembly of devices required electric coils on bobbins.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158) and Schwartz (US 5210722), in further view of Plancon et al. (Plancon)(US 4888507). Muller and Schwartz teach every aspect of the invention except a steel post perpendicular to the stator plate. Plancon teaches a steel post in the rotor perpendicular to the stator to provide a single machined rotor, pinion 6, and bearings. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller and Schwartz with the steel post of Plancon to provide simplified production and strong steel bearings.

Response to Arguments

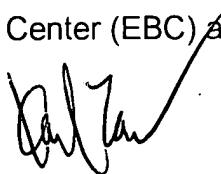
9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (703) 872 - 9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KARL TAMAI
PRIMARY EXAMINER

Karl I Tamai
PRIMARY PATENT EXAMINER
December 27, 2004